

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED LAFAYETTE

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WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

CIVIL ACTION NO. 6:13-2143

SECTION P

JUDGE HAIK

VERSUS

LAFAYETTE PARISH SHERIFF'S OFFICE

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

**IT IS ORDERED** that Lavergne's civil rights claims directed at actions and conditions which allegedly forced Lavergne to enter a guilty plea to the murders of Shunick and Pate, and for alleged constitutional violations connected with the murder investigation and subsequent state criminal proceeding be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

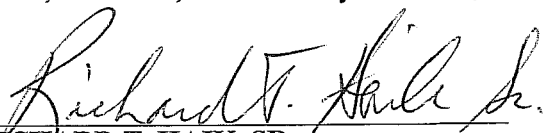
**IT IS FURTHER ORDERED** that Lavergne's civil rights jail conditions claims be **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted under 28 U.S.C. §1915(e)(2)(B)(ii) .

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's civil rights claims against the Lafayette Parish Sheriff's Office be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

**IT IS FURTHER ORDERED** that Lavergne's claims under Louisiana State law be **DISMISSED WITHOUT PREJUDICE**.

**The Clerk of Court is directed to send a copy of this Judgment to the Keeper of the Three Strikes List, Tyler, Texas.**

**THUS DONE AND SIGNED**, in chambers, Lafayette, Louisiana, on this 6<sup>th</sup> day of March, 2013.

  
RICHARD T. HAIK, SR.  
UNITED STATES DISTRICT JUDGE